

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

3
FILED
FEB 13 2014
CLERK'S OFFICE
DETROIT

UNITED STATES OF AMERICA,
Plaintiff

vs.

Criminal no. 06-20465
Honorable Nancy G. Edmonds

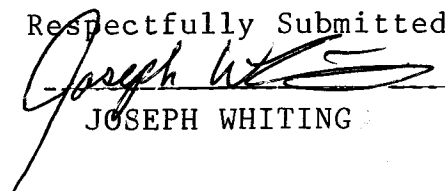
JOSEPH WHITING, D, 20
Defendant

MOTION TO COMPEL / UNDISCLOSED DISCOVERY

NOW COMES, Defendant Whiting, Pro Se, and asks this Honorable Court to order the production of 302 report dated July 27, 2006 (McDonald DeBriefing) / threat assessment dated August 3, 2006, written by Agent Brzezinski that was provided to counsel after the government rested in the above-mentioned case. Defendant is aware it's not the court's responsibility to conduct defense counsel's duties or to provide defendant discovery after time of representation.

But as this court knows and is aware of, Government's statutory disclosure duties in addition to it's constitutional duty to disclose information favorable to the accused, the federal government is required by Rule 12.1, 16, and 26.2 of the Federal Rules of Criminal Procedure to disclose other information upon the defendant's request. Therefore, it is defendant's request asking this court to grant this motion so that he may prepare for future litigation, or in the alternative, defendant would ask this court for leave.

Respectfully Submitted,

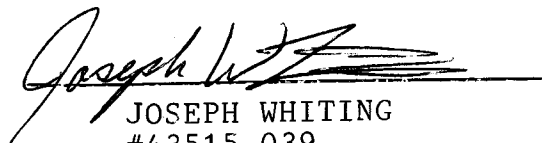

JOSEPH WHITING

SEE: Authority in Support of

The Arizona Supreme Court has held that in post-conviction proceedings, the state has a continuing duty to produce Brady material in its files. See Canion v. Cole, 210 Ariz. 598, 115 P.3d 1261, 1264 (Ariz. 2005)("[W]e affirm that the state must disclose clearly exculpatory evidence that coimes to its attention after a trial has concluded"),

DATE: 2 / 6 / 2014

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Joseph Whiting", is written over a horizontal line.

JOSEPH WHITING

#43515-039

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